# **DIVISION OF ADMINISTRATIVE LAW**

# DEPARTMENT OF CIVIL SERVICE

# STATE OF LOUISIANA

STRATEGIC PLAN

FY 2020-2021 THROUGH FY 2024-2025



LOUISIANA DIVISION OF ADMINISTRATIVE LAW

# DIVISION OF ADMINISTRATIVE LAW

### Vision

To provide Louisiana citizens aggrieved by government actions an impartial central agency for conducting due process hearings.

## **Mission**

The Division of Administrative Law provides a neutral forum for resolving administrative disputes by conducting accessible, fair and prompt hearings and rendering well-reasoned decisions and orders.

# **Philosophy**

When disputes arise between government agencies and those they regulate, due process hearings should be fair and impartial, convenient to citizens, and conducted professionally. The Division of Administrative Law is independent from the agencies served, preserving fairness and impartiality in the right to administrative review.

The Division of Administrative Law implements thoughtful processes to ensure matters are scheduled without undue delay, parties are treated with dignity and respect, and decisions are timely rendered and processed. Tasking one agency with docketing and conducting administrative hearings allows the Division of Administrative Law to identify and train multiple qualified individuals to manage cases and conduct hearings for many agencies.

# **Management Statement**

The Division of Administrative Law (DAL) is one agency, one program and one activity. The statutory authority for DAL's goals are supported by the legislation creating and enabling DAL operations, La. R.S. 49:991 through 49:999. Further, DAL's goals and operations are consistent with and protect the rights articulated in Louisiana's Administrative Procedure Act, La. R.S. 49:950, *et seq*.

Employees with DAL were given the opportunity to provide input on the strategic plan, and executive staff met to discuss the strategic plan. The strategic planning checklist provided by the Division of Administration was utilized in updating DAL's strategic plan.

DAL has policies in place to address the following issues that are helpful and beneficial to women and families, including family and medical leave, attendance and leave, and preventing sexual harassment.

#### **Clients and Users**

The primary clients and users of services provided by DAL include executive branch state agencies not exempt by La. R.S. 49:992 or other applicable law and the citizens which those agencies serve. Generally, DAL serves executive branch agencies by providing impartial and unbiased administrative hearings. The largest number of hearings conducted by DAL include appeals of actions taken by Louisiana's Department of Health, Department of Public Safety and Department of Children and Family Services. DAL's jurisdiction has expanded and changed since its inception in 1996.

Any person or entity aggrieved and wishing to challenge an action taken by an executive branch agency subject to administrative review, as well as state agencies, benefit from the objectives identified and services provided by DAL. By consolidating the function of providing administrative hearings for several state agencies in one separate and independent agency, Louisiana benefits from the efficiencies realized from having one agency with a qualified staff trained in due process procedures that ensure fairness and impartiality in administrative proceedings for several agencies are protected.

Attorneys, party representatives, self-represented litigants and agency representatives presenting a case are also identified as DAL clients and users, and depend on DAL to promptly and professionally docket and adjudicate matters.

#### **External Factors**

DAL conducts fair and impartial administrative hearings, as requested by parties aggrieved by actions taken by certain executive branch agencies. DAL does not determine or control the number of parties aggrieved by executive branch actions or the parties authorized to seek an appeal. Further, DAL has no control over the complexity of the cases docketed.

#### **Billing Methodology**

Effective July 1, 2013, DAL adopted the statewide cost allocation plan (SWCAP), to ensure that DAL customer agencies pay the same rate for the same services. Agencies that provide services to other agencies that receive federal funding are required to become part of SWCAP to ensure that charges for

allocated or billed services are allowable for federal programs. This is required by federal law, 2 CFR 200 Appendix V. Two of DAL's biggest customer agencies, the Department of Health and the Department of Children and Family Services, receive federal funds. Louisiana's SWCAP is prepared annually by the Division of Administration, Office of Statewide Reporting and Accounting Policy, with the help of an approved consultant. The SWCAP must be reviewed and approved by the United States Department of Health & Human Services, Division of Cost Allocation.

#### **Description of Program Evaluation to Develop Objectives and Strategies**

Objectives and strategies have been developed and modified as DAL has evolved since its creation in 1996, which has included managing fluctuating caseloads and jurisdictional changes. Consistent efforts have been made to update the strategic plan and its contents throughout the years.

Additionally, DAL conducts a yearly survey of states with central panels like DAL to identify trends, similarities and differences, to help DAL identify additional efficiencies and ways to improve. The results of this survey are attached to the end of this document.

#### **Duplication of Effort**

The legislation creating DAL established one central agency of trained professionals to handle many different types of hearings for the state. A centralized panel of adjudicators and personnel is cost effective, efficient, and eliminates duplicative and less efficient services and conflicts of interest that existed when each state agency was conducting its own hearings. In furtherance of these objectives, duplication of effort is and can continue to be further avoided by maintaining DAL's existing jurisdiction, and continuing to identify executive branch agencies that perform administrative hearing functions which could be performed by DAL.

As a result of evaluating and making improvements to the manner in which DAL processes cases and conducts hearings, DAL is able to effectively and efficiently expand its services to accommodate additional agencies, as well as new case types for existing clients.

# Goals of the Division of Administrative Law

- 1. Protect due process rights afforded to Louisiana citizens by promptly docketing and conducting hearings subject to DAL's jurisdiction.
- 2. Maintain the independence and integrity of DAL, and protect the role of the administrative law judge as an impartial adjudicator.
- 3. Continue to develop more efficient processes that do not compromise accessibility or fairness in proceedings.

As one agency, conducting one program and one service, the following objectives and strategies support all of DAL's articulated goals.

#### Objective 1

Manage communications and docket cases submitted to DAL within its jurisdiction. Assign cases to qualified administrative law judges, promptly process documents related to docketed cases, including disseminating decisions and orders to affected parties.

- Strategy 1.1 Broaden DAL's jurisdiction in areas where doing so will save the state time and money. Granting DAL, an independent agency, the authority to perform the adjudication and render administrative decisions promotes and strengthens public confidence in the right to administrative review.
- Strategy 1.2 Hire quality administrative law judges and clerical personnel who are equipped to provide professional services to the public.
- Strategy 1.3 DAL recently relaunched its website, and will utilize this updated platform to increase accessibility to DAL services and provide better resources for hearings at DAL, including information for self-represented litigants.
- <u>Strategy 1.4</u> Provide effective training to ensure existing and long-term employees of DAL remain qualified and knowledgeable in administrative adjudications.
- Strategy 1.5 Identify and implement effective mechanisms to improve operations, to assist the Administrative Hearings Clerk, who serves as DAL's records custodian, and whose office is responsible for processing hearing requests and other case-related filings and communications, scheduling hearings, and transmitting decisions and orders to parties.
- <u>Strategy 1.6</u> Continue to identify methods and procedures to allow for better sharing, storing and utilization of electronic records.
- Strategy 1.7 Continue to be available to agencies and the Legislature to provide hearings and provide information about how Louisiana can best serve its citizens by providing fair hearings and adjudicatory processes.

#### **Performance Indicators**

INPUT Number of cases docketed (Key)

OUTPUT Number of hearings conducted (Key)

Number of pre-hearing conferences conducted (Supporting)

Average length of administrative hearings in hours (Supporting)

Hearings held less than 30 minutes (Supporting)

OUTCOME Number of settlements (Supporting)

EFFICIENCY Percentage of cases docketed of those properly

filed and received (Key)

Average number of days from date docketed to

case closed (Supporting)

#### Objective 2

Skilled and qualified administrative law judges conduct necessary pre-hearing conferences, issue orders, ensure the prompt and timely adjudication of administrative matters by conducting professional hearings and rendering well-written administrative decisions and orders that are promptly transmitted by DAL clerical personnel to affected parties.

- <u>Strategy 2.1</u> Provide clear performance expectations to administrative law judges and other staff to ensure timely processing and adjudication of cases.
- <u>Strategy 2.2</u> Provide resources to DAL staff to allow them to better perform their jobs.
- <u>Strategy 2.3</u> Effect internal quality assurance program for improved readability and quality of decisions and orders.
- <u>Strategy 2.4</u> Research and seek funding to obtain an armed security guard at DAL offices and when performing hearings at locations across the state.

#### Performance Indicators

OUTPUT Number of decisions or orders issued (Key)

EFFICIENCY Average number of days from record closed

to decision signed (Supporting)

#### **Performance Indicator Documentation Sheets and Descriptions**

Program: Division of Administrative Law—Administration

Objective: Docket Cases and Conduct Hearings

Indicator Name: Number of cases docketed

LaPAS PI Code: 4240

1. **Indicator Type and Level**: Input/Key

- 2. **Rationale:** This indicator counts the number of cases or appeals properly sent to DAL. It measures the number of times DAL's service is being requested.
- 3. **Use:** Determines personnel and budgetary needs of DAL by measuring the volume of cases docketed. Assists with determining cases assigned to administrative law judges, and assists management in evaluating future personnel needs.
- 4. **Clarity:** The indicator clearly identifies what is being measured.
- 5. **Validity, Reliability and Accuracy:** Not audited; the validity is dependent upon the accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting:** As each case is received, it is docketed as appropriate. This means it is given a matter identification number and entered into DAL's case management database. The information is reportable in real time. DAL reports this information quarterly in LaPAS.
- 7. **Calculation Methodology**: Addition.
- 8. **Scope:** Aggregated.
- 9. **Caveats:** This indicator is dependent upon number of aggrieved parties that seek a hearing to challenge an action by an agency subject to DAL's jurisdiction. It also does not account for the varying complexity level of cases.
- 10. **Responsible Person:**

Objective: Docket Cases and Conduct Hearings

Indicator Name: Percentage of cases docketed that are properly filed and received by DAL

LaPAS PI Code: 4239

- 1. **Indicator Type and Level:** Efficiency/Key
- 2. **Rationale:** This indicator measures productivity of DAL's docketing services.
- 3. **Use:** This indicator allows DAL to measure the efficiency of processes used to process, docket and adjudicate cases.
- 4. **Clarity:** Historic records indicate that DAL has tracked this pursuant to the request of a legislative committee.
- 5. **Validity, Reliability and Accuracy:** Not audited. DAL consistently dockets all cases properly filed and received.
- 6. **Data Source, Collection and Reporting:** All correspondence is reviewed, and if appropriate, it is docketed and included in DAL's case management database. This information is available in real time and reports are prepared quarterly for LaPAS.
- 7. **Calculation Methodology:** Addition.
- 8. **Scope:** Aggregated.
- 9. **Caveats:** N/A
- 10. **Responsible Person:**

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eboyce@adminlaw.state.la.us

Objective: Docket Cases and Conduct Hearings Indicator Name: Number of hearings conducted

LaPAS PI Code: 4241

1. **Indicator Type and Level**: Input, Output/Key

- 2. **Rationale:** As an input, this number measures the demand for administrative hearings. As an output, this measures the quantity of administrative adjudications conducted.
- 3. **Use:** Determines staffing needs for DAL, which includes administrative law judges and clerical staff. It is also useful in demonstrating equipment needs, scheduling concerns, travel schedules and budgets.
- 4. **Clarity:** The indicator clearly identifies what is being measured.
- 5. **Validity, Reliability, Accuracy:** Not audited; validity is dependent on accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting:** Judicial and clerical staff record events in the docketed matters on the case management database daily. This information is reported quarterly in LaPAS.
- 7. Calculation Methodology: Addition.
- 8. **Scope:** Aggregated, but can be subdivided into more qualified categories.
- 9. **Caveats:** Hearings are not conducted in all docketed cases; some are withdrawn, dismissed, or settled by the parties prior to hearing. This is beyond DAL's control.
- 10. **Responsible Person:**

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Objective: Docket Cases and Conduct Hearings

Indicator Name: Number of pre-hearing conferences conducted

LaPAS PI Code: 7145

- 1. **Indicator Type and Level:** Output/Supporting
- 2. **Rationale:** This indicator measures the quantity of pre-hearing conferences conducted.
- 3. **Use:** Determines personnel allocations and case assignments in complex cases.
- 4. **Clarity:** The indicator clearly identifies what is being measured.
- 5. **Validity, Reliability and Accuracy:** Not audited; validity is dependent on accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting**: Judicial and clerical staff record these events in the case management database daily or as conferences are held. This information is reported in LaPAS on a semi-annual basis.
- 7. **Calculation Methodology**: Addition.
- 8. **Scope:** Aggregated, but can be subdivided into more qualified categories.
- 9. **Caveats:** Pre-hearing conferences are not held in all types of cases. It depends upon the nature and complexity of the case and the area of law.
- 10. **Responsible Person:**

Objective: Docket Cases and Conduct Hearings

Indicator Name: Number of settlements

LaPAS PI Code: 7146

- 1. **Indicator Type and Level:** Outcome/Supporting
- 2. **Rationale:** This indicator measures the frequency of cases settling without the need for an administrative hearing.
- 3. **Use:** Settlements speed the resolution of cases, and, when appropriate, are a cost-effective way to resolve the dispute between parties.
- 4. **Clarity:** This indicator clearly identifies what is being measured.
- 5. **Validity, Reliability and Accuracy:** Not audited; validity is dependent on accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting:** Judicial and clerical staff record these events in the case management database daily. This information is reported semi-annually in LaPAS.
- 7. **Calculation Methodology:** Addition.
- 8. **Scope:** Aggregated, but can be subdivided into more qualified categories.
- 9. **Caveats:** Settlements occur for many reasons, all of which are out of DAL's control.
- 10. **Responsible Person:**

Objective: Docket Cases and Conduct Hearings

Indicator Name: Average length of administrative hearings (hours)

LaPAS PI Code: 20331

- 1. **Indicator Type and Level:** Output/Supporting
- 2. **Rationale**: This indicator measures the length of time spent conducting hearings.
- 3. **Use:** Helps determine the average amount of time required for administrative law judges to conduct DAL hearings in various areas of law; useful for scheduling purposes.
- 4. **Clarity:** This indicator clearly describes what is being measured.
- 5. **Validity, Reliability, Accuracy:** Not audited; validity is dependent on accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting:** Administrative law judges record hearings and document the length of time it takes to conduct the hearings by inputting that information into DAL's case management database. The information is reported to LaPAS semi-annually.
- 7. **Calculation Methodology:** Addition and division.
- 8. **Scope:** Disaggregated. The indicator can be subdivided to determine how much time each administrative law judge spends in hearings and how much time hearings in certain types of cases require.
- 9. **Caveats:** This indicator only shows the average time it takes to conduct a hearing. It does not accurately predict or represent the scope of all cases heard by DAL, and does not account for the time required to dispose of pre-hearing matters or decision writing.
- 10. **Responsible Person:**

Objective: Docket Cases and Conduct Hearings Indicator Name: Hearings Held (less than 30 minutes)

LaPAS PI Code: 20332

1. **Indicator Type and Level:** Output/Supporting

- 2. **Rationale:** Measures the percentage of cases, usually of low complexity, which are held in less than thirty minutes.
- 3. **Use:** Helps determine the amount of time required to conduct hearings for agencies. This information helps the clerical staff provide more efficient scheduling.
- 4. **Clarity:** This indicator clearly identifies what is being measured.
- 5. **Validity, Reliability and Accuracy**: Not audited; validity is dependent on accuracy of reports from case management database.
- 6. **Data Source, Collection and Reporting:** Administrative law judges record the actual time of the hearings in DAL's case management database after hearings are held. The information is reported semi-annually in LaPAS.
- 7. **Calculation Methodology:** Addition.
- 8. **Scope:** Aggregated. This indicator can be subdivided to determine how many high-volume, low complexity hearings each judge has conducted.
- 9. **Caveats:** This indicator depends upon how many cases are capable of being resolved in a hearing of less than thirty minutes.
- 10. **Responsible Person:**

Objective: Docket Cases and Conduct Hearings

Indicator Name: Average number of days from date docketed to case closed

LaPAS PI Code: 20333

1. **Indicator Type and Level:** Efficiency/ Supporting

- 2. **Rationale:** This indicator measures the amount of time a case is pending in DAL's system from the day it is docketed to the day a final decision is issued and the matter is closed. The fewer number of days DAL takes to close a case, the more efficient the system.
- 3. **Use:** Some DAL cases have legal deadlines within which a decision must be issued. DAL maintains internal monitoring strategies to ensure timely issuance of decisions.
- 4. **Clarity:** This indicator clearly identifies what is being measured.
- 5. **Validity, Reliability and Accuracy:** Not audited; validity is dependent upon the accuracy of reports from DAL's case management database.
- 6. **Data Source Collection and Reporting:** DAL's case management database tracks the number of days from the day a case is docketed to the date the decision is transmitted and the case is closed. The case management database calculates this information and DAL reports this information semi-annually to LaPAS.
- 7. **Calculation Methodology:** Addition and division.
- 8. **Scope:** Aggregated.
- 9. **Caveats:** The database calculates the time between two dates (events). Therefore, if only one date falls within the search period; i.e. the case was docketed during the time period being measured, but not closed in the same timeframe, that case will not be included.

It is not uncommon for parties to request continuances or to request additional time for settlement negotiations. These requests are often unopposed by either party and are granted. By granting continuances when appropriate and allowing parties time to negotiate settlements, the amount of time that elapses between a case being docketed and a decision rendered may be extended.

#### 10. **Responsible Person:**

Program: Division of Administrative Law—Administration
Objective: Issue Decisions and Orders in all Unresolved Cases

Indicator Name: Number of decisions and orders issued

LaPAS PI Code: 4242

- 1. **Indicator Type and Level:** Output/Key
- 2. **Rationale:** Measures the quantity of decisions and orders issued. Cases are closed after a written decision or order is transmitted to all parties.
- 3. Use: Determines personnel needs by measuring the work required of DAL.
- 4. **Clarity:** This indicator clearly identifies what is being measured.
- 5. Validity, Reliability and Accuracy: Not Audited.
- 6. **Data Source, Collection and Reporting:** DAL employees record all decisions and orders signed into the case management database after issuing or signing the same in a docketed matter. The information is available in real time. This information is reported quarterly in LaPAS.
- 7. **Calculation Methodology:** Addition.
- 8. **Scope:** Aggregated, but can be subdivided to show the number of decisions or orders issued agency-wide, by each administrative law judge or within each area of law.
- 9. **Caveats:** N/A
- 10. **Responsible Person:**

Program: Division of Administrative Law—Administration
Objective: Issue Decisions and Orders in all Unresolved Cases

Indicator Name: Average number of days from record closed to decision signed

LaPAS PI Code: 20334

- 1. **Indicator Type and Level:** Efficiency/Supporting
- 2. **Rationale:** This indicator measures the amount of time it takes an administrative law judge to write a decision after the hearing has been held and the record has closed. The rationale is to provide information on the amount of time it takes for decisions to be written and issued, and to ensure that decisions are issued promptly.
- 3. **Use:** This indicator allows DAL to ensure that all decisions are issued in accordance with legal deadlines and in compliance with DAL's internal decision timeliness deadlines by which the case must be heard or a decision is rendered.
- 4. **Clarity:** This indicator provides information on the amount of time it takes to DAL to issue a decision, measuring from the time the record is closed in a matter. The administrative law judge enters an event titled "Record Closed" when all relevant evidence and documents to a case have been provided to the administrative law judge.
- 5. **Validity, Reliability and Accuracy:** Not audited; validity is dependent on accuracy of reports from DAL's case management database.
- 6. **Data Source, Collection and Reporting:** DAL's case management database can calculate information from any time period. This information is reported semi-annually in LaPAS.
- 7. **Calculation Methodology**: Addition and division.
- 8. **Scope:** Aggregated.
- 9. **Caveats:** The database calculates the time between two dates (events). Therefore, if only one date falls within the search period; i.e. the record closed during the time period being measured, but the decision was not rendered in the same timeframe, that case will not be included.
- 10. **Responsible Person:**

## EXTERNAL COMPARISONS

The following chart shows how the consolidation of the administrative hearings function from various state agencies into one centralized agency is highly efficient and saves money. Each year a survey is taken by DAL, sent to administrative hearings central panels from various states, to compare the caseloads, operating costs, and personnel needs, and a chart developed from that data.

The chart compares DAL with other states' centralized administrative hearings tribunals. Each state's jurisdiction is different, and the balance of high and low complexity cases and the types of cases handled varies widely. However, the chart offers a comparison of the operating costs and personnel needs of a statewide centralized administrative hearings court. The information for the nationwide comparison was gathered from responses to a survey conducted during October 2018.

DAL's judges handle their caseload with no individualized secretarial staff. The administrative support under the supervision of the Administrative Hearings Clerk receive and docket cases, process case-related documents, and transmit decisions. DAL has effectively utilized technology, and required staff to easily utilize electronic means to minimize the amount of clerical support needed.

# ANNUAL SURVEY QUESTIONS CONDUCTED BY THE DIVISION OF ADMINISTRATIVE LAW

Please respond for your most recent fiscal year or calendar year.

- 1. This information is from the state of, Name, Title, Email address, and phone number?
- 2. What is your current annual budget? Exclude any non-hearings function.
- 3. How many cases were filed or docketed with your agency in the last year?
- 4. How many hearings were conducted in the last year?
- 5. How many decisions and orders were issued in the last year?
- 6. How many employees do you have? (ALJs and other staff)
  For the ALJ number, only include those who are employed on a full-time basis and who perform hearings as a substantial portion of their job duties. For any employees who are responsible for significant functions other than serving as an ALJ, please include those employees in the "Other staff" number.

#### 2018 COMPARISON OF STATES WITH CENTRALIZED ADMINISTRATIVE HEARINGS PANELS

State	Annual budget am ount	Number of cases filed yearly	Number of hearings conducted yearly*	Number of ALJs	Number of decisions/orders yearly	Number of staff excluding ALJs
Alaska	\$2,715,600	1,336	1,336	10	295	5
Arizona	\$1,662,774	5,798	1,769	6	1,769	5
California	\$37,000,000	12,738	5,792	102	3,568	78
Colorado	\$4,300,000	12,100	2,900	19	3,700	24
Florida	\$25,682,086	39,025	11,747	65	4,433	177
Georgia	\$6,012,655	47,501	47,501	14	47,501	28
lowa	\$3,279,724	10,971	5,496	16	11,215	4
Kansas	\$1,088,574	3,575	1,082	5	3,688	5
Louisiana	\$8,157,222	10,703	8,552	30	12,788	28
Maryland	\$15,356,010	41,673	18,148	52	2,262	61
North Carolina	\$2,997,296	8,395	168	12	813	13
North Dakota	\$1,459,317	670	421	3	376	2
Oregon	\$13,856,197	23,650	13,662	51	23,115	37
South Carolina	\$3,988,000	7,206	7,206	6	7,426	30
South Dakota	\$346,355	256	200	2	225	1
Washington	\$20,601,000	45,932	22,373	107	17,367	77
Wyoming	\$1,900,000	1,343	436	6	420	4
SOUTHERN REGIONAL AVERAGE**	\$10,365,545	25,751	15,554	29.8	12,537	56
NATIONAL AVERAGE	\$8,847,224	16,051	8,752	29.8	8,292	34

<sup>\*</sup> If number of hearings conducted or descisions/orders yearly was not provided, the number of cases filed was used.

Survey of central panel states made by the Louisiana Division of Administrative Law in September 2018.

<sup>\*\*</sup> Southern regional states that reported include Florida, Georgia, Louisiana, Maryland, North Carolina and South Carolina.